

# **EXHIBIT 6**

## **VISION STATEMENT**

### **BACKGROUND**

The barrier island of Sanibel comprises a wide variety of natural and altered environments. The community of Sanibel strives to sustain ecological balance and preserve and restore natural settings for residents, visitors, and wildlife. The people of Sanibel are sustained by the beauty and health of the island's natural and restored habitats, and they rely on the coordinated vigilance of residents, government, and private enterprise to protect and enhance these habitats. Over the first two decades of the community's existence as a city, a tenuous balance has been maintained between development and preservation; and between regulatory control and the rights and privileges of individuals. Government and not-for-profit institutions have helped sustain the balance by purchasing and restoring to natural conditions substantial areas of open space and threatened habitats.

Limited new development and redevelopment will occur over the next twenty years. However, growth limits and locations are well established, as are regulations to minimize harm to the natural environment and to the community's character.

The specter of rampant development has diminished as the community has matured. Nevertheless, unwanted changes are occurring; visitation increases as new "attractions" are developed; beaches and refuge areas are becoming stressed by overuse; traffic congestion is turning to gridlock; and formerly "green" scenic corridors are becoming urbanized and commercialized. These and other conditions and trends cause residents to realize that, unless protected, their island's historic and cherished way of life is in jeopardy.

To provide a sense of direction for the future, this Vision Statement is a confirmation of the community's shared values and goals, to guide future decisions.

### **SANCTUARY**

Sanibel is and shall remain a barrier island sanctuary, on which a diverse population lives in harmony with the island's wildlife and natural habitats. The Sanibel community must be vigilant in the protection and enhancement of its sanctuary characteristics.

The City of Sanibel will resist pressures to accommodate increased development and redevelopment that is inconsistent with the Sanibel Plan, including this Vision Statement.

The City of Sanibel will guard against and, where advisable, oppose human activities in other jurisdictions that might harm the island's sensitive habitats, including the island's surrounding aquatic ecosystems.

### **COMMUNITY**

Sanibel is and shall remain a small town community whose members choose to live in harmony with one another and with nature; creating a human settlement distinguished by its diversity, beauty, uniqueness, character and stewardship.

Diversity: The city of Sanibel cherishes its cultural, social ecological, and economic diversity, and will endeavor to maintain it.

**Beauty:** The City of Sanibel will foster quality, harmony and beauty in all forms of human alteration of the environment. The community aesthetic is defined as a casual style; one which is adapted to a relaxed island quality of life and respectful of local history, weather, culture and natural systems.

**Uniqueness:** The City of Sanibel chooses to remain unique through a development pattern which reflects the predominance of natural conditions and characteristics over human intrusions. All forms of development and redevelopment will preserve the community's unique small town identity.

**Character:** The City of Sanibel chooses to preserve its rural character in its setting within an urbanizing county. "Auto-urban" development influences will be avoided. The commercialization of natural resources will be limited and strictly controlled.

**Stewardship:** In keeping with the foregoing principles, the City of Sanibel affirms a land ethic that recognizes landholding--both public and private--as a form of stewardship, involving responsibilities to the human and natural communities of the island and its surroundings, and to future generations.

## **ATTRACTION**

The Sanibel community recognizes that its attractiveness to visitors is due to the island's quality as sanctuary and as community. The City of Sanibel will welcome visitors who are drawn by, and are respectful of, these qualities; it will resist pressures to accommodate visitor attractions and activities that compromise these qualities.

## **HIERARCHY OF VALUES**

This three-part statement of the community's vision of its future is hierarchy; one in which the dominant principle is Sanibel's sanctuary quality. Sanibel shall be developed as a community only to the extent to which it retains and embraces this quality of sanctuary. Sanibel will serve as attraction only to the extent to which it retains its desired qualities as sanctuary and community.

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This page has been accessed  times since March 31, 2000.

# **SANIBEL PLAN**

## **CITY OF**

### **SANIBEL, FLORIDA**

**Adopted**

**July 19, 1976**

**Ordinance No. 76-21**

**Extensively Revised**

**November 27, 1985**

**Ordinance No. GA-85-04**

**Extensively Revised**

**February 8, 1989**

**Ordinance No. 89-04**

**Extensively Revised**

**August 5, 1997**

**Ordinance No. 97-16**

**LIST OF CITY OFFICIALS**

**1997 City Council**

Robert B. Davison, Mayor

Robert P. Janes, Vice Mayor

Wallace M. Kain

George Madison

Andrew Reding

Former members of City Council that participated in the preparation of the

*1995 Evaluation and Appraisal Report for the Plan*

and the Vision Statement for the Sanibel Plan.

Daphne Miller, Jerrold Muench, Mark A. Westall and Francis P. Bailey

**1997 Planning Commission**

Richard H. Downes, Chairman

John C. Veenschoten, Vice Chairman

Louise M. Johnson

Edith Slayton

Steve Mullins

Marty Harrity

Steven V. Greenstein

Former members of the Planning Commission that participated in the preparation of the

*1995 Evaluation and Appraisal Report for the Plan*

and the Vision Statement for the Sanibel Plan.

Ernest Klaudt, Deana Turner and James Levy

**City Manager**

Gary A. Price

**City Attorney**

Robert D. Pritt

**Planning Department Director**

Bruce A. Rogers

**PREFACE**

This volume contains the Sanibel Plan, as amended, revised and restated in its entirety, which was adopted by Ordinance No. 97-16.

This plan is published in looseleaf format in order to facilitate incorporation of future revisions. Supplements to the Sanibel Plan will contain an instruction sheet directing the removal of obsolete pages and the insertion of replacement pages. The instruction sheet for the most current Supplement should be placed in the front of the volume, and it is recommended that deleted pages be saved and filed for historical reference.

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(Not part of this distribution.)

NOTES: The Official Maps of the Sanibel Plan, as identified in Article 4, are a series of looseleaf maps. Reduced scale copies of the Official Maps are contained in a separate second volume of the Sanibel Plan.

The Existing Land Use Map-September 1, 1997 provides an updated inventory of the 1995 Existing Land Use Map that was prepared as part of the *1995 Evacuation and Appraisal Report for the Sanibel Plan*. This map is illustrative and non-regulatory.

## PROLOGUE

"How wonderful are Islands! Islands in space,  
like this one I have come to,  
ringed by miles of water . . .

An island from the world and the world's life . . ."

Anne Morrow Lindbergh, Gift From the Sea

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"WHEREAS, RESIDENTS OF SANIBEL ISLAND IN LEE COUNTY, FLORIDA, DESIRING TO HAVE THE RIGHTS OF SELF-DETERMINATION, TO THE FULLEST EXTENT ALLOWED BY LAW, IN THE PLANNING FOR THE ORDERLY FUTURE DEVELOPMENT OF AN ISLAND COMMUNITY KNOWN FAR AND WIDE FOR ITS UNIQUE ATMOSPHERE AND UNUSUAL NATURAL ENVIRONMENT, AND TO INSURE COMPLIANCE WITH SUCH PLANNING SO THAT THESE UNIQUE AND NATURAL CHARACTERISTICS OF THE ISLAND SHALL BE PRESERVED, TO SEEK THE BENEFITS CONFERRED ON MUNICIPAL CORPORATIONS BY THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA."

from an Act relating to Lee County, establishing and organizing a municipality to be known and designated as the City of Sanibel and enacted by the Legislature of the State of Florida.

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## **PREPARATION OF THE PLAN AMENDMENT**

### **I. PARTICIPANTS**

This Sanibel Plan was prepared by the Sanibel Planning Department. Kenneth Pfalzer, Deputy Planning Director, is the project manager for the extensively revised and restated Sanibel Plan. The Sanibel Planning Department staff includes:

Bruce A. Rogers James Jordan

Kenneth Pfalzer Roy Gibson

Jennifer Flavin Deborah Ford

Jean Woodring Sandra Larsen

Raymond Hendzel Joseph Ham

All departments of the City of Sanibel assisted in the preparation of this extensively revised and restated Sanibel Plan. Notable contributions have been made by the following city staff members:

Gary A. Price, City Manager

Bruce A. Rogers, Planning Director

Robert D. Pritt, City Attorney

William A. Mills, Assistant City Manager

Renee M. Lynch, Finance Director

Gates Castle, Public Works Director

Richard A. Noon, Recreation Director

Lew Phillips, Police Chief

John Hefty, Utilities Director

Dianne J. Lynn, Legal Administrative Assistant

Bill Tomlinson, Emergency Management Coordinator

Rob Loflin, Natural Resources Director

Max Anderson, Building Official

The City retained the consulting services of Wallace, Roberts and Todd, Inc. for the preparation of the Vision Statement of the Sanibel Plan.

James C. Nicholas, PhD. analyzed this Plan and the local economy for the preparation of the Economic Assumptions of the Plan.

Jan Hyatt, Executive Director of Community Housing and Resources, Inc. contributed to the preparation of this extensively revised and restated Sanibel Plan.

The Vegetation Committee, Wildlife Committee and Historical Preservation Committee assisted in the preparation of the extensively revised and restated Sanibel Plan.

Sandra Larsen, Information Coordinator, is the ordinance manager for the Sanibel Plan.

The community's participation in the planning process for the preparation of the extensively revised and restated Sanibel Plan is the invaluable component of this community-based Plan.

## **II. PREPARATION DATE**

On January 14, 1997, an extensively revised and restated Sanibel Plan was recommended, by the

Sanibel Planning Commission, for approval as a Plan Amendment by the Sanibel City Council.

On February 5, 1997, an extensively revised and restated Sanibel Plan was transmitted as a Plan Amendment, by the Sanibel City Council to the Florida Department of Community Affairs for review.

On August 5, 1997, an extensively revised and restated Sanibel Plan was adopted as a Plan Amendment by the Sanibel City Council.

On September 19, 1997, the Florida Department of Community Affairs published its Notice of Intent to Find this Amendment to the Comprehensive Plan for the City of Sanibel, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, Florida Statutes.

October 11, 1997 is the effective date of the extensively revised and restated Sanibel Plan, adopted by Ordinance No. 97-16.

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This page has been accessed **1822** times since March 31, 2000.

# **EXHIBIT 7**

To: Community Housing & Resources, Inc.

\_\_\_\_\_ I would like to become a CHR member. My check for \$15 is enclosed.

\_\_\_\_\_ I would like to make a donation. My check for \$ \_\_\_\_\_ is enclosed.

\_\_\_\_\_ I would like to include CHR in my financial planning. Please contact me at the telephone number listed below.

\_\_\_\_\_ I would like to volunteer to help. Please call me.

\_\_\_\_\_ I would like to apply for a BMRH home. Please send an application.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

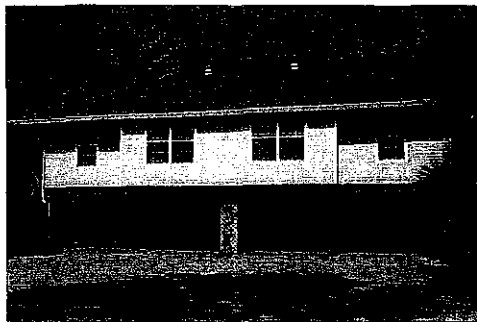
Phone: \_\_\_\_\_

Community Housing and Resources, Inc. is a tax-exempt, not-for-profit organization as described in Section 501(c)(3) of the Internal Revenue Code.

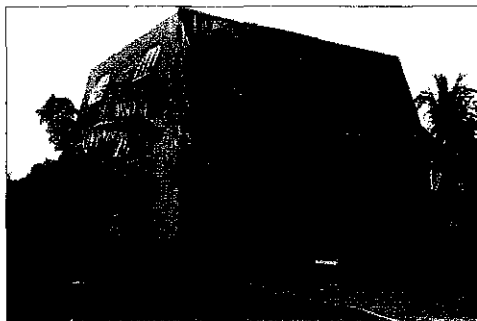
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For additional information,  
call (239) 472-1189 - FAX (239) 472-2695

(2/03)



Mahogany Way  
Fourteen 2-bedroom units



Belding  
One 3-bedroom home



Beach Road  
Two 1-bedroom units  
Two 2-bedroom units  
One 2-bedroom home

Some of the homes in Sanibel's Below Market Rate Housing program are pictured above.



## BMRH

Below Market Rate Housing  
on Sanibel

A Program of  
Affordable Rental Housing  
for the City of Sanibel



Community Housing & Resources, Inc.  
The City of Sanibel's Housing Foundation

2401 Library Way  
(Mailing Address: 800 Dunlop Road)  
Sanibel, FL 33957  
(239) 472-1189 - FAX (239) 472-2695

## **"BMRH" and "CHR"**

BMRH, Below Market Rate Housing, is a unique program started by the City of Sanibel in 1983 with the purpose of providing affordable housing for persons of limited means who work on Sanibel but can't afford to live here, and for longtime residents who can no longer afford Sanibel rents. Priority is given to those persons who live or work on Sanibel. Older and retired persons are also eligible. A 12-unit complex for senior citizens is included in the program.

CHR, Community Housing and Resources, Inc., is the non-profit private corporation which administers the BMRH program. CHR was incorporated in 1979 by a group of Sanibel residents who had been striving for several years to do something about the growing need for affordable housing. Meanwhile, the City was simultaneously looking at ways to do the same thing. With the help of CHR, City Council in April, 1983, passed an ordinance which established the affordable housing program. CHR was designated as the City's Housing Foundation and was retained to administer the program. CHR is a membership organization with a voluntary board of directors elected by the members.

## **Why a BMRH Program?**

There are two basic reasons behind the program - one legal, one humanitarian.

On the legal side, the State of Florida mandates that all local governments include a provision for affordable housing in their land use plans. In keeping with the 1983 ordinance, the Sanibel Plan (the City's comprehensive land use plan) is in full compliance with State requirements and commits the City to providing some 95 BMRH units by the year 2017. Currently there are more than 50 units in the program, with an additional 12 units under development.



Equally important is the fact that in the 1970s, soaring land values on Sanibel caused rents to increase so sharply that many residents of moderate means were forced to leave the island, or to live in substandard housing. BMRH was initiated by Sanibel residents to provide homes for their financially pressured neighbors. Many also believed this would help retain Sanibel's social diversity, making it possible for younger, less affluent residents to remain on the island - thus balancing to a degree the larger than normal proportion of retirees and higher income residents.

Over the years the program has developed into a successful private/public partnership. CHR builds, acquires and maintains the housing units and administers the program. The City pays the administrative costs and waives City fees. The program is financed through the support of private citizens, grants, bank loans and the City.

## **Eligibility for the Program**

Anyone who meets the City's income limits may apply, with priority selection going to people with Sanibel history. The program is designed to accommodate workers and their families, long-term residents, and seniors. Applications are available at the CHR office.

## **BMRH - Unique and Special**

Sanibel's BMRH program is both unique and special - so much so it is generally considered a model of affordable housing success. Why?

Because it is truly a community program, designed and implemented by Sanibel people to meet the needs and wishes of our citizens - not the imposed regulations of an outside agency. For instance, the ordinance establishing the BMRH program was sensitive to the concern that housing might look "different;" it therefore requires that BMRH homes be indistinguishable from the others in the neighborhood. A visitor to Sanibel would be hard pressed to spot the below market rate homes.

It is the spirit of cooperation among local citizens, government and business that has created the successful partnership that is enabling Sanibel to meet its affordable housing needs.

## **How You Can Help**

CHR is like all other non-profit membership organizations. Individuals and community groups make the difference! You can become a dues-paying member (only \$15/year), you can volunteer to help, you can make a donation, or all of the above. You may wish to consider CHR when planning your financial future. We would be happy to discuss endowments and trusts with you. Just complete and mail the form on the reverse side of this brochure and tell us of your interest. All dues and donations are tax deductible.

You may also use this form to request an application for BMRH.

For more information, come by and talk with us at our office in the City's Civic Center, 2401 Library Way, Sanibel, Florida.

Pictured on the cover:  
Casa Mariposa - Twelve 2-bedroom units  
(age restricted - adults 55 and older only)  
Airport Way - Eight 2-bedroom units and  
Four 3-bedroom units

# **EXHIBIT 8**



**PART I**  
**CHARTER\***

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- Sec. 1.01. Powers of the City of Sanibel.
- Sec. 1.02. Construction of powers.
- Sec. 1.03. Intergovernmental relations.

**Article II. Corporate Limits**

- Sec. 2.01. Description of corporate limits.

**Article III. Legislative**

- Sec. 3.01. City council—Composition.
- Sec. 3.02. [Same]—Election and terms.
- Sec. 3.03. [Same]—Compensation and expenses.
- Sec. 3.04. Mayor.
- Sec. 3.05. General powers and duties.
- Sec. 3.06. Prohibitions.
- Sec. 3.07. Vacancies, forfeiture of office; filling of vacancies.
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**Article IV. Administrative**

- Sec. 4.01. City manager—[generally].
- Sec. 4.02. [Same]—Appointment; removal; residency; compensation.
- Sec. 4.03. [Same]—Acting city manager.
- Sec. 4.04. [Same]—Powers and duties.
- Sec. 4.05. [Same]—Supervision of departments.
- Sec. 4.06. Administrative code.
- Sec. 4.07. City attorney.

**Article V. Nominations and Elections**

- Sec. 5.01. Electors.
- Sec. 5.02. Nonpartisan elections.

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\*Editor's note—Printed herein is the Charter of the City of Sanibel, Florida, as adopted by Laws of Fla., ch. 74-606. Amendments to the Charter are indicated by a parenthetical history note following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citation to state statutes has been used. Additions made for clarity are indicated by brackets.

## SANIBEL CODE

- Sec. 5.03. Nominations.
- Sec. 5.04. Elections.
- Sec. 5.05. Reserved.

### Article VI. Initiative, Referendum and Recall

- Sec. 6.01. Initiative.
- Sec. 6.02. Referendum.
- Sec. 6.03. Recall.
- Sec. 6.04. Commencement of proceedings for initiative and referendum.
- Sec. 6.05. Petition.
- Sec. 6.06. Procedure for filing.
- Sec. 6.07. Referendum petitions; suspension of effect of ordinance.
- Sec. 6.08. Action on petitions.
- Sec. 6.09. Results of election.

### Article VII. General Provisions

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- Sec. 7.02. Standards of ethics.
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## ARTICLE I. POWERS

### Section 1.01. Powers of the City of Sanibel.

The city known as "Sanibel", shall have all powers possible for a city to have under the Constitution and laws of the state as fully and completely as though they were specifically enumerated in this Charter unless prohibited by or contrary to the provisions of this Charter; and in addition to the foregoing and not by way of limitation, the city shall have the following powers:

- (a) To organize and regulate its internal affairs and to establish, alter, abolish and terminate, such termination to be only for cause, offices, positions and employments, including citizen board positions, and to define functions, powers and duties, and fix their term, tenure, and compensation.
- (b) To adopt, amend and repeal such ordinances, resolutions and codes as may be required for the good government of the city, including local police ordinances carrying penalties, zoning ordinances, housing codes, building and related technical codes, business regulations, and ordinances relating to and regulating the sale of alcoholic beverages.
- (c) To prepare and adopt comprehensive plans for the development of the city, including provision for subdivision regulation, environmental protection, pollution control, community facilities and all other related activities.
- (d) To sue and be sued; to have a corporate seal; to contract and be contracted with; to buy, receive by gift or devise, sell, lease, hold and dispose of real and personal property for any public purpose; to have the power of eminent domain and to acquire, by condemnation or otherwise, all private lands, riparian and other rights, necessary for public purposes and improvements.
- (e) To raise funds by taxation and to make such levy upon the taxable property in the City of Sanibel as will provide funds nec-

essary for the operation of the city and for such other purposes as may be provided in general law, pursuant to the general laws of Florida.

- (f) To appropriate and expend money for any public purpose.
- (g) To borrow money for public purposes.
- (h) To levy special or local assessments for local improvements and to hold liens for public improvements.
- (i) To license and tax privileges, business, occupations and professions carried on and engaged in within the corporate limits of the city and to classify and define such privilege businesses, occupations and professions for the purpose of taxation.
- (j) To do and perform all other acts as seem necessary and best adapted to the improvement and general interest of the city, and the protection of the health, life and property of the city and its inhabitants, not contrary to the laws of Florida.

(Ord. No. 83-23, § 1, 9-7-1982/11-16-1982)

State law references—General municipal powers, F.S. § 166.021; building construction standards, F.S. ch. 553; planning generally, F.S. § 163.3161 et seq.; eminent domain, F.S. § 166.401 et seq.; taxation generally, F.S. § 166.201 et seq.; borrowing generally, F.S. § 166.101 et seq.; local improvements, F.S. ch. 170; foreclosure of tax and special assessment liens, F.S. ch. 173; occupational license taxes and limitations thereon, F.S. ch. 205.

### Section 1.02. Construction of powers.

The powers of the city under this Charter shall be construed liberally in favor of the city.

### Section 1.03. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more other municipalities, state or local governments or civil divisions or agencies thereof, or the United States or any agency thereof.

State law reference—Intergovernmental programs, F.S. ch. 163.

## ARTICLE II. CORPORATE LIMITS\*

### Section 2.01. Description of corporate limits.

The following area shall constitute the corporate limits of the City of Sanibel:

A corporate limit line lying offshore from Sanibel Island in portions of Township 46 South, Ranges 21, 22 and 23 East, Lee County, Florida, which line is described as follows:

From the corner common to Sections 17, 18, 19 and 20, Township 46 South, Range 23 East, run easterly along the line common to said Sections 17 and 20 to a point 2,640 feet offshore in San Carlos Bay from the mean high tide line to Section 20 and the point of beginning. From said point of beginning, run easterly 2,640 feet offshore from the mean high tide line of Sanibel Island, to the easterly point of said island and the mouth of said San Carlos Bay; thence run southwesterly, westerly and northwesterly, 2,640 feet offshore in the Gulf of Mexico from the mean high tide line of Sanibel Island, to an intersection with the centerline of Blind Pass; thence run northeasterly along said centerline to the waters of Pine Island Sound at a point 2,640 feet offshore from the mean high tide line at Wulfert Point in Section 2, Township 46 South, Range 21 East; thence run southeasterly in Pine Island Sound and San Carlos Bay, 2,640 feet offshore from the mean high tide line of said Sanibel Island, to the point of beginning, crossing the entrance to Tarpon Bay in Sections 13 and 14, Township 46 South, Range 22, East. *Excepting* The right-of-way for the Sanibel Causeway.

(Laws of Fla., ch. 89-402, § 1)

## ARTICLE III. LEGISLATIVE

### Section 3.01. City council—Composition.

There shall be a city council with all legislative powers of the city vested therein, consisting of five (5) members who shall be electors of the city elected by the electors of the city at large. (Ord. No. 89-19, § 1, 8-15-1989/11-7-1989)

\*State law reference—Municipal annexation or contraction, F.S. ch. 171.

### Section 3.02. [Same]—Election and terms.

The regular election of city council members, beginning in March 2003, shall be held on the first Tuesday in March, in the manner provided in Article V of this Charter, and shall be for four-year terms. Terms of sitting council members shall be extended to coincide with the change in election date.

(Ord. No. 02-03, § 1, 2-19-2002)

### Section 3.03. [Same]—Compensation and expenses.

Council members shall serve without compensation, but shall be entitled to receive their actual and necessary expenses incurred in the performance of their official duties.

(Ord. No. 82-23, § 2, 9-7-1982/11-16-1982)

### Section 3.04. Mayor.

The council shall elect from among its members a mayor and a vice mayor. Election of the mayor and vice mayor shall be done annually at the first regular council meeting after the city election and in nonelection years at the first regular council meeting in December. The mayor shall preside at meetings of the council, shall be recognized as head of city government for all ceremonial purposes, by the governor for military law and for service of process, but shall have no administrative duties. The vice mayor shall act as mayor during the absence or disability of the mayor. If the office of mayor shall become vacant upon death, incapacitation due to long-term illness, resignation, removal from office in any manner authorized by law, or forfeiture of office, the vice mayor shall serve as acting mayor in the event of such vacancy until the next regular council meeting, at which time the council shall elect a mayor and vice mayor if the vice mayor is elected mayor pursuant to the procedures in Section 3.04.

(Ord. No. 82-23, § 3, 9-7-1982/11-16-1982)

### Section 3.05. General powers and duties.

All legislative powers of the city shall be vested in the city council, which shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

The council may delegate to the city manager the power to execute contracts, deeds and other documents approved by the council, and to represent

the city in all agreements with other governmental entities or certifications to other governmental entities.

(Ord. No. 82-23, § 4, 9-7-1982/11-16-1982)

**Section 3.06. Prohibitions.**

(a) *Holding other office.* No former elected city official shall hold any compensated appointive city office or employment until one year after the expiration of the term for which he or she was elected, except by four-fifths (4/5) vote of the council.

(b) *Appointments and removals.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with administration.* Except for questions involving routine council business, the council and its members shall not interfere with the administration and shall deal directly with the city manager. Investigation of activities and performance of the city administration, manager and staff, may be done only by the vote of at least three (3) council members.

(Ord. No. 82-23, §§ 5, 6, 9-7-1982/11-16-1982)

**Section 3.07. Vacancies, forfeiture of office; filling of vacancies.**

(a) *Vacancies.* The office of a council member shall become vacant upon death, incapacitation due to long-term illness, resignation, removal from office in any manner authorized by law, or forfeiture of the council member's office.

(b) *Forfeiture of office.* A council member shall forfeit office if he or she:

- (1) Lacks at any time during the term of office any qualifications for the office prescribed by this Charter or by law;
- (2) Violates any standard of conduct or code of ethics established by law for public officials; or

- (3) Is absent from three (3) consecutive regular council meetings without being excused by the council.

(c) *Filling of vacancies.* A vacancy on the council shall be filled in one of the following ways:

- (1) If there is less than six (6) months remaining in the unexpired term or if there is less than six (6) months before the next regular city election, the council, by a majority vote of the remaining members, shall choose a successor to serve until the newly elected council member is qualified. If two (2) years remains in the term of the vacated seat at the time of the next regular election, that seat shall be filled by election for the remaining two (2) years;
- (2) If there is more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the council shall fill the vacancy on an interim basis as provided in (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy. If a run-off election is necessary, it shall be scheduled two (2) weeks following the election.

Notwithstanding any quorum requirements established herein, if at any time the membership of the council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under either (1) or (2) above.

(d) *Extraordinary vacancies.* In the event that three (3) or more vacancies occur on the council, for whatever reason and by whatever cause, the governor shall appoint interim council members to fill the vacancies who shall call a special election as provided in (c) above, and such election shall be done in the following manner: Qualification of candidates shall be in accordance with Section 5.03, and the election held in accordance with Section 5.04 of the Sanibel City Charter. Council members elected shall, by lot at their first

meeting, determine which shall serve for the two-year terms open and which for the four-year terms open.

(Ord. No. 82-23, § 7, 9-7-1982/11-16-1982; Ord. No. 87-40, § 1, 11-17-1987/3-8-1988; Ord. No. 89-19, § 1, 8-15-1989/11-7-1989)

State law references—Code of ethics for public officers, F.S. § 112.311; recall of municipal officers, F.S. § 100.361; procedure required for filing vacancies, F.S. § 166.031.

### Sec. 3.08. City manager to serve as city clerk.

The city manager shall serve as clerk of the council and shall give notice of council meetings to its members and to the public and shall keep the journal of its proceedings which shall be a public record.

### Sec. 3.09. Procedure.

(a) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members and, whenever practicable, upon no less than twelve (12) hours' notice to each member and the public. All meetings shall be public.

(b) *Rules and journal.* The council shall determine its own rules and order of business and shall keep a journal containing all minutes of meetings.

(c) *Voting.* Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present. All council members shall vote on all matters before the council except on those matters on which the council member announces a conflict of interest.

State law references—Meetings to be public, F.S. § 286.011; requirement for voting, F.S. § 286.0115; quorum vote required on ordinances and resolutions, F.S. § 166.041(4).

### Section 3.10. Ordinances in general.

"Ordinance" means an official, legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law. "Resolution" means an expression of the council concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the council.

(a) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a section or subsection.

(b) *Procedure.* A proposed ordinance shall be read by title, or in full, on at least two (2) separate days, at either regular or special meetings of the council, and shall, at least seven (7) days prior to adoption, be noticed once in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(c) *Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective ten (10) days after adoption or as otherwise specified therein.

(d) *[Zoning; land development.]* Ordinances initiated by the city council which rezone private property, adopt comprehensive land use plans or amendments thereto shall be adopted by procedures set forth in general law.

(Ord. No. 82-23, § 8, 9-7-1982/11-16-1982)

State law references—Ordinance enactment procedures, F.S. § 166.041; authority to specify additional requirements, F.S. § 166.041(6).

**Sec. 3.10.1. Environmentally Sensitive Lands Conservation District.**

a. The Environmentally Sensitive Lands Conservation District, established through appropriate legislation, shall continue in existence in perpetuity, and the lands contained therein shall be kept forever wild, consistent with Sanibel's designation as a sanctuary for wildlife and for humans who wish to experience nature in its indigenous beauty and diversity, free of disruptive human activity. Actions to restore and maintain the ecological integrity of degraded or stressed habitats, on the other hand, are consonant with the purposes of said District.

b. Actions by the City to sell, exchange, donate, or otherwise alienate City-owned land, or any interest therein, or public rights-of-way within the Environmentally Sensitive Lands Conservation District; to remove any land, public or private, from said district; or to abolish the district, may be taken by the City only by affirmative vote of a majority of the electors at a referendum called for that purpose.

(Ord. No. 89-24, § 1, 8-29-1989/11-7-1989; Res. No. 00-93, § 2, 8-1-2000/11-7-2000; Res. No. 00-139, § 1, 11-21-2000/11-7-2000)

**Section 3.10.2. Ordinance increasing residential development intensity.**

Actions to increase the residential development intensity as established in the comprehensive land use plan, except for the rounding upward of fractional allocations of fifty (50) percent or more to the next whole number may be taken by the city only by ordinance adopted by the affirmative vote of not less than four-fifths ( $\frac{4}{5}$ ) of the membership of council where the full membership is voting; or unanimous vote of the voting members where less than the full membership is voting.

(Ord. No. 89-26, § 1, 8-29-1989/11-7-1989)

**Section 3.10.3. Ordinances removing lands from certain ecological zones or districts.**

Actions to remove land, by boundary change or otherwise, from the mangrove forest ecological

zone, the lowland wetland ecological zone, the upland wetland ecological zone or the interior wetlands conservation district, as established in the comprehensive land use plan, may be taken by the city only by ordinance adopted by the affirmative vote of not less than four-fifths ( $\frac{4}{5}$ ) of the membership of council where the full membership is voting; or unanimous vote of the voting members where less than the full membership is voting.

(Ord. No. 89-28, § 1, 8-29-1989/11-7-1989)

**Section 3.11. Emergency ordinances.**

The city council may, by two thirds ( $\frac{2}{3}$ ) vote, enact emergency ordinances without complying with the requirements of paragraph (b) of section 3.10. Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency continues to exist, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(Ord. No. 82-23, § 9, 9-7-1982/11-16-1982)

State law reference—Emergency ordinances, F.S. § 166.041(3)(b).

**Section 3.12. Budget adoption.**

The council shall adopt the annual budget pursuant to general law.

(Ord. No. 82-23, § 10, 9-7-1982/11-16-1982)

State law references—Municipal fiscal year, F.S. § 166.241; annual budget adoption procedure, F.S. § 200.065.

**Section 3.13. Appropriation amendments during the fiscal year.**

(a) *Supplemental appropriations.* If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the council may make supplemental appropriations for the year up to the amount of such excess.

(b) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he



shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may reduce one or more appropriations.

(c) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(d) *Transfer of appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.  
(Ord. No. 82-23, § 11, 9-7-1982/11-16-1982)

State law reference—Appropriations not to exceed revenues, F.S. § 166.241(3).

### **Section 3.14. Authentication, recording and disposition of Charter amendments, ordinances and resolutions.**

(a) *Authentication.* The presiding officer of the council and the person charged with keeping the journal shall authenticate, by their signatures, all ordinances and resolutions adopted by the council. In addition, when Charter amendments have been approved by the electors, the presiding officer of the council and the person charged with keeping the journal shall authenticate, by their signatures, the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

(b) *Recording.* The person charged with keeping the journal shall keep properly indexed books in which shall be recorded, in full, all ordinances

and resolutions passed by the council. Ordinances shall, at the direction of the council, be periodically codified. The person charged with keeping the journal shall also maintain the city Charter in current form and shall enter all Charter amendments and send copies of amendments to the secretary of state's office.

(c) *Printing.* The council shall establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available to the people of the city for public inspection and available for purchase at a reasonable price.

(Ord. No. 82-23, § 12, 9-7-1982/11-16-1982)

### **Section 3.15. Codes of technical regulations.**

[(a)] The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance and such ordinance may amend the code. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

- (1) The requirements of Section 3.14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city manager pursuant to subsection 3.14(a).

[(b)] Copies of any adopted code of technical regulations shall be made available by the designated city official for distribution or for purchase at a reasonable price.

State law references—Technical codes generally, F.S. ch. 553; building construction standards, F.S. § 553.73.

### **Section 3.16. Planning commission.**

There shall be a planning commission, advisory to the council. The planning commission shall have such functions and duties as delegated it by ordinance of the council. It shall consist of no fewer than five (5) unsalaried residents of the city, appointed by the council.

(Ord. No. 82-23, § 13, 9-7-1982/11-16-1982)